

[REDACTED]

Complainant,

v.

**4H PURDUE UNIVERSITY COOPERATIVE
EXTENSION SERVICE,**
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission") pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. The Deputy Director finds that there is probable cause to believe an unlawful discriminatory act has occurred or is occurring. 910 IAC 1-3-2(b).

On May 16, 2011, [REDACTED] filed a complaint with the Commission on behalf of [REDACTED] daughter [REDACTED] ("Complainant") against 4H Purdue University Cooperative Extension Service ("Respondent") alleging unlawful discrimination in the area of public accommodation based on [REDACTED] disability, in violation of the Indiana Civil Rights Law (IC 22-9-1-2). The Indiana Civil rights Law States that it is the public policy of the State to provide all of its citizens with equal opportunity for access to public conveniences and accommodations, and that access to public conveniences are declared to be civil rights. IC 22-9-1-2. Accordingly, the Indiana Civil Rights Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the Final Investigative Report and a full review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Complainant was denied equal access to Respondent's facilities or services due to her disability. In order to prevail on such a claim, the Complainant must prove 1) she falls within a protected class; 2) Complainant required an accommodation in Respondent's policies or procedures in order to equally access its services; 3) Complainant requested a reasonable accommodation and 4) Respondent denied or unreasonably delayed the request for reasonable accommodation without a showing of undue hardship.

[REDACTED] reports that Complainant is disabled and Respondent acknowledges the same. In order to remain secure while riding a horse, Complainant requires the use of a specialized saddle. Respondent knew of the need of the specialized saddle for the Complainant; however the request was denied. Respondent instead offered for Complainant to have one or more adults

on the sides of Complainant to ensure that [REDACTED] does not fall. This option is unacceptable to Complainant because [REDACTED] will be viewed as an elementary child instead of a teenager. Furthermore, [REDACTED] desires to remain as independent as possible. Respondent would not reconsider the saddle, as it insisted that such a device would be a danger to the child in the event that the horse fell and Complainant could not get out of the saddle quickly enough. Considerations of safety to others, and Complainant herself, are relevant in making a determination of whether a particular accommodation is reasonable. However, such considerations must be based on some demonstrable risk. Respondent has not provided any evidence to demonstrate an actual (rather than perceived) risk posed by Complainant's saddle. The saddle is one that is manufactured and sold by a reputable saddle manufacturer and includes a quick-release device for occasions such as anticipated by Respondent. While Respondent does put forth evidence demonstrating the policies of various equestrian organizations that prohibit devices that bind a rider to the saddle, this evidence is insufficient to establish an actual, demonstrated risk to the safety of Complainant due to this particular saddle. There is probable cause to believe that Respondent may have violated the Indiana Civil Rights Law by denying Complainant's request for an accommodation without a showing of undue burden.

As permitted by 910 IAC 2-6-6(h), the parties to this complaint may elect to have these claims decided in a state court located in the county in which these actions occurred, in lieu of an administrative proceeding under 910 IAC 2-7. However, both parties must agree to such an election and it must be made no later than twenty (20) days after service of this Notice of Finding. If such an election is not timely made, an administrative hearing of this matter will be scheduled.

Date October 20, 2011

Joshua Brewster, Esq.
Deputy Director
Indiana Civil Rights Commission